GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services – PR&RD – Allegation of failure to report regarding retirement particulars of AEEs/AEs of their Division for the calendar year 2013 and continuing the service of Sri D. Ravi Kumar beyond the actual date of retirement – Disciplinary proceedings against Sri M. Bhaskar, the then Superintendent O/o EE, PR Division, Kavali, SPSR Nellore District under Rule 20 of Andhra Pradesh Civil Services (Classification, Control & Appeal) Rules, 1991- Article of charges – Issued.

PANCHAYAT RAJ & RURAL DEVELOPMENT (VIG.II) DEPARTMENT

G.O.RT.No. 389 **Dated: 15-07-2021.**

Read the following:

1. Final report from Director General, ACB., Vijayawada RC.No.144/RCTNNL/ 2016, Dt:22-5-2019.
2. From Director General, ACB., Vijayawada RC.No.144/RCT-NNL/2016, Dt:24-6-2021.

-:0:-

O R D E R:

It is proposed to hold an enquiry against Sri M. Bhaskar, the then Superintendent O/o EE, PR Division, Kavali, SPSR Nellore District in accordance with the procedure laid down in Rule 20 of Andhra Pradesh Civil Services (CC&A) Rules, 1991.

2. The substance of the imputations of misconduct or misbehaviour in respect of which the enquiry is proposed to be held is set out in the enclosed statement of article of charge (Annexure-I and II). A list of documents by which and a list of witnesses by whom, the article of charges are proposed to be sustained are also enclosed (Annexure-III andIV).

3. Sri M. Bhaskar, the then Superintendent O/o EE, PR Division, Kavali, SPSR Nellore District, is directed to submit his written statement of defence within (10) days of the receipt of this order.

4. Sri M. Bhaskar, the then Superintendent O/o EE, PR Division, Kavali, SPSR Nellore District, is informed that an enquiry will be held only in respect those article of charges as are not admitted. He should, therefore, specifcally admit or deny article of charge.

5. Sri M. Bhaskar, the then Superintendent O/o EE, PR Division, Kavali, SPSR Nellore District, is further informed that if he does not submit his written statement of defence on or before the period specified in Para 3 above or otherwise fails or refuses to comply with the provisions of Rule 20 of Andhra Pradesh Civil Services (Classification, Control & Appeal) Rules, 1991 or the orders directions issued in pursuance of the said rules, the Inquiring Authority may hold the inquiry against him ex-parte, based on the material available on record.

6. Sri M. Bhaskar, the then Superintendent O/o EE, PR Division, Kavali, SPSR Nellore District, is invited to Rule 24 of the Andhra Pradesh Civil Services (Conduct) Rules, 1964, under which no Government Servant shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further his interest in respect of matters pertaining to his service under the Government. If any representation is received on his behalf from another person in respect of any matter dealt within these proceedings, it will be presumed that Sri M. Bhaskar, the then Superintendent O/o EE, PR Division, Kavali, SPSR Nellore District is aware of such a representation and that it has been made at his instance and action will be taken against him for violation of Rule-24 of the Andhra Pradesh Civil Services (Conduct) Rules, 1964.

(Contd.P.2)

7. The receipt of this G.O. shall be acknowledged.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

GOPAL KRISHNA DWIVEDI
PRINCIPAL SECRETARY TO GOVERNMENT

To
Sri M. Bhaskar, the then Superintendent O/o EE, PR Division, Kavali, SPSR
Nellore District (through the Engineer-in-Chief, Panchayat Raj, A.P.,Vijayawada.
The Engineer-in-Chief, Panchayat Raj, A.P., Vijayawada
(in duplicate with a request to serve and return the dated acknowledgement copy)
Copy to:
The Director General, ACB, Vijayawada
(w.r.t Rc.No.144/RCT-NNL/2016,Dt:24-6-2021)
The Secretary to VC, APVC, Secretariat Buildings, Valagapudi.
SF/SC

//FORWARDED :: BY ORDER//

SECTION OFFICER

ANNEXURE-I

STATEMENT OF ARTICLES OF CHARGE FRAMED AGAINST SRI M.BHASKAR, THE THEN SUPERINTENDENT O/o EXECUTIVE ENGINEER, PR DIVISION, KAVALI, SPSR NELLORE DISTRICT.

That Sri M.Bhaskar, Age 54 years is a native of Kovur Village and Mandal. His date of birth is 26-01-1965 and joined in Government Service as Junior Assistant at ZP High School, Southmopur on 29-09-1986. He got promotion as Senior Assistant on 06-05-2000 and worked at O/o MPDO, Vakadu Mandal, later he promoted as Superintendent on 21-08-2006 and worked at PR, ZP Ofce, Nellore up to 19-07-2009. Later he worked as Superintendent at PR Division, Kavali from 20-07-2009 to 20-08-2015. Presently he is working as Superintendent O/o MPDO, Allur. He is drawing basic pay of Rs.52,590-00 under the pay scale of Rs.29,760-80,930. He is due to retire on attaining his superannuation on 31-01-2025. While he is working as Superintendent, O/o EE, PR Division, Kavali from 2.6.2010 to 20.8.2015 he committed grave misconduct in as much as:-

CHARGE:-

The Government Servant while working as Superintendent O/o EE, PR Division, Kavali from 02-06-2010 to 20-08-2015 failed to report regarding retirement particulars of AEEs/AEs of their division for the calendar year 2013 and also he did not obtain the service register of Sri Durgam Ravi Kumar, AEE from his previous station.

Thus Sri M. Bhaskar, Superintendent, O/o. EE, PR Division, Kavali, Nellore District by his above mentioned acts has exhibited lack of integrity, devotion to duty and conduct unbecoming of a Government Servant and violated Rules 3(1)(2) of APCS (Conduct) Rules, 1964.

GOPAL KRISHNA DWIVEDI
PRINCIPAL SECRETARY TO GOVERNMENT

SECTION OFFICER

ANNEXURE-II

STATEMENT OF IMPUTATIONS OF MISCONDUCT OR MISBEHAVIOUR IN SUPPORT OF ARTICLE OF CHARGES FRAMED AGAINST SRI M.BHASKAR, AGE 54 YEARS, THE THEN SUPERINTENDENT O/o EXECUTIVE ENGINEER, PR DIVISION, KAVALI, SPSR NELLORE DISTRICT.

That Sri M.Bhaskar, Age 54 years is a native of Kovur Village and Mandal. His date of birth is 26.1.1965 and joined in Government Service as Junior Assistant, at ZP High School, Southmopur on 29.9.1986. He got promotion as Senior Assistant on 6.5.2000 and worked at O/o MPDO, Vakadu Mandal, later he promoted as Superintendent on 21.8.2006 and worked at PR ZP Office, Nellore up to 19.7.2009. Later he worked as Superintendent at PR Division, Kavali from 20.7.2009 to 20.8.2015. Presently he is working as Superintendent O/o MPDO, Allur. He is drawing basic pay of Rs.52,590-00 under the pay scale of Rs.29,760-80,930. He is due to retire on attaining his superannuation on 31.1.2025. Here-in-after he is referred to as Government Servant.

CHARGE:

The Government Servant while working as Superintendent O/o EE, PR Division, avail from 02-06-2010 to 20-08-2015 failed to report regarding retirement particulars of AEEs/AEs of their division for the calendar year 2013 and he did not obtain the service register of Sri Durgam Ravi Kumar, AEE from his previous station.

Facts and Evidence

Brief facts of the case are that the Government Servant was trapped on 28.11.2016 in his office when he demanded and accepted bribe of Rs.55,000/- from Sri Lekkala Pedda Mala Konda Reddy for recording measurements of CC road works in M.Book.

During the course of investigation the investigating officer obtained service particulars of the Government Servant and on perusal of service particulars, it was found that the Government Servant was born on 16.07.1955 and had to retire from service on 31.07.2013.

After obtaining the service particulars of Sri Durgam Ravi Kumar, AEE, it was found that, the said AE drawn salaries in spite of his actual date of superannuation in collusion with the Department Employees. The Government Servant failed to obtain the service register of Sri Durgam Ravi Kumar, AEE from the previous posting place. He did not sign in the NIL report in respect of retirements of AEE/AEs of the year 2013 to higher authorities and he failed to send the said report up to the year 2016. Thereby he had shown gross negligence in his duties which is unbecoming on the part of a govt., servant and thereby he had caused monetary loss to the Govt. Exchequer.

The Government Servant, Sri M. Bhaskar, Superintendent O/o PR Division, Kavali, Nellore, by his above mentioned acts exhibited lack of integrity, devotion towards duty and conduct unbecoming of a Government Servant and thereby violated Rule 3 (1)(2) of APCS (Conduct)Rules, 1964.

Thus, the Government Servant thereby rendered himself liable for departmental action for major penalty.

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ANNEXURE-III

LIST OF WITNESSES

1. Sri Lekkala Pedda Malakonda Reddy, s/o Late. Konda Reddy, aged; 54yrs, Occ; Sarpanch, Bairavaram Panchayat, Duthalur Mandal, SPSR Nellore District.

He is the complainant who lodged the report against Sri Durgam Ravi Kumar, AEE, who demanded the bribe amount and set the criminal law into motion in this case and speaks about case facts, demand, acceptance and official favour.

2. Sri S.Raja Sekhar, Town Planning Officer O/o Commissioner, Kavali Municipality, Kavali, SPSR Nellore District.

He is one of the mediator in whose presence searches were conducted at the ofce of the EE, PR, Kavali on 27-12-2016 from 01-00 PM to 06-00 PM and drafted mediatornama.

3. Sri K.Venkata Koteswara Rao, Senior Assistant, O/o Commissioner, Kavali Municipality, Kavali, SPSR Nellore District.

He is one of the mediator in whose presence searches were conducted at the ofce of the EE.PR.Kavali on 27-12-2016 from 01- 00 PM to 06-00 PM and drafted mediatornama.

4. Sri K.Prabhakar Reddy (Retired on 31.12.2017), the then Superintending Engineer, PR Circle, Nellore (from 01.01.2014 to 16.02.2014).

He worked as S.E, PRCircle, Nellore from 01.01.2014 to 16.02.2014. He gave statement that Sri M.Bhaskar worked as Superintendent, O/o.EE, PR, Kavali in his tenure.

4. Sri D.Sudheer Babu, EE, PR Division, Kavali:

He speaks about his letter vide Rc.No.A.2/ACB/08, Dt.15.12.2016 who supplied the attested copy of the service register of Sri Durgam Ravi Kumar, AEE and also the service particulars of Sri Durgam Ravi Kumar, AEE.

5. Sri S.Damodar Reddy, SE, PR Division, Nellore.

He speaks about his letter vide Lr.Rc.No.EC3/6531/2016, Dt.26.04.2017 who forwarded the information with regards to the particulars of the officers who failed to inform the retirement particulars of Sri Durgam Ravi Kumar, AEE regarding the year 2013.

6. Sri CVS Ramurthy, Engineer in chief, PR Division, Vijayawada.

He speaks about his letters vide No.1) Vig.III/062016/2016/ACB, Dated.6.12.2016 and 2) Vig.III/2016/2016/ACB, Dated.9.08.2017 who furnished information informing that Sri Durgam Ravi Kumar, AEE has to retire in the GO RT/307/2021/PRR01-Panchyat Raj and Rural Development File No.C.No.13332/Vig.II/2016 year 2013 and also issued suspension order of Sri Durgam Ravi Kumar, AEE after the trap.

7. SHO, Kavali II Town PS:

He speaks about registering of the Cr.No.133/2016 of Kavali II Town PS and transferring the case to Duthalur P.S.

8. SHO, Duthaluru PS:

He speaks about receiving of the FIR in Cr.No.133/2016 of Kavali II town Ps., and re-registering the same as Cr.No.2/2017 of Duthalur PS.

9. Sri T.Prabhakar, Deputy Supdt., of Police, ACB, Nellore Range, Nellore:

He is one of the investigating officer who speaks about the facts relating to Cr.No.13/RCT-ACB-NLR/2016.

10. Sri N.SivaKumar Reddy, Inspector of Police, ACB, Nellore Range, Nellore.

He is one of the investigating officer who speaks about the facts relating to Cr.No.13/RCT-ACB-NLR/2016.

11. Sri T.V.Srinivasa Rao, Inspector of Police, ACB, Nellore Range, Nellore.

He is one of the investigating officer who speaks about the facts relating to Cr.No.13/RCT-ACB-NLR/2016.

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PRINCIPAL SECRETARY TO GOVERNMENT

SECTION OFFICER

ANNEXURE-IV

LIST OF DOCUMENTS

1. Complaint dated 25-11-2016 given by the Complainant:

It reveals the facts of the demand of bribe amount Rs.55,000/- by Sri Durgam Ravi Kumar, AEE on 28.11.2016 for doing an official favour i.e., for recording the measurements of CC Road works in M-Book which is pending since two months.

2. FIR in Cr.No.13/RCT-ACB-NLR/2016, dated 28-11-2016:

It reveals that a report was received from the complainant with regard to demand of bribe amount and registration of the case against Sri Durgam Ravi Kumar, AEE.

3. Mediators report dated 27-12-2016 from 13-00 hours to 18-00 hours drafted at the office of the Executive Engineer, Panchayat Raj, Kavali town and Mandal, SPSR Nellore District.

4. Xerox copy of Service Book of Sri Durgam Ravi Kumar, AEE.

5. Letter of Executive Engineer, PRI Division, Kavali vide Rc.No.A2/ACB/08 (service particulars of Sri Durgam Ravi Kumar, AEE) dated 15-12-2016 .

6. Rc.No.,EC3/653/2016 dated 26-04-2017 of SE PR, Nellore: who furnished the list of S.O's concerned caused not retirement of Sri Durgam Ravi Kumar,AEE.

7. Copy of FIR in Cr.No.133/2016 u/s 420, 120-B IPC dated 30-12-2016 of Kavali II Town P.S, against Sri Durgam Ravi Kumar, AEE.

8. Copy of FIR in Cr.No. 2/2017 u/s 420, 120-B IPC dated 04-01-2017 of Duttalur P.S as FIR in Cr.No.133/2016 was transferred from Kavali II town PS to Duttalur P.S on point of Jurisdiction.

9. Proceedings No.Vig.III/062016/ 2016/ACB dated 06-12-2016 of Engineer-in-Chief, PR, Vijayawada- Suspension orders of Sri Durgam Ravi Kumar, AEE.

10. Proceedings No.Vig.III/2016/ 2016 dated 09-08-2017 of Engineer-in-Chief, PR, Vijayawada– Orders of the Engineer-in-Chief, PR, Vijayawada in respect of Sri Durgam Ravi Kumar, AEE has to be retired on 31-07-2013.

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